

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>OHIO MIDLAND, INC., <i>et al.</i>,</b>	:
	:
<b>Plaintiffs,</b>	:
	:
<b>v.</b>	:
	:
<b>GORDON PROCTOR, Director, Ohio Dep't of Transp., <i>et al.</i>,</b>	:
	:
<b>Defendants.</b>	:

**Case No. 05-1097  
JUDGE ALGENON L. MARBLEY  
Magistrate Judge Mark R. Abel**

**ORDER**

On March 19, 2008 this Court issued an Order (doc. no. 156) staying the case until the disposition of Plaintiffs' Ohio Midland, Inc. and Roger Barack's (collectively "Plaintiffs") appeal of this Court's summary judgment order. On July 1, 2008, the Sixth Circuit affirmed the order. *Ohio Midland, Inc. Vv. Ohio Dep't Of Transp.*, 295 F.App'x 905 (6th Cir. 2008). Plaintiff, however, filed a petition for certiorari to the United States Supreme Court on January 28, 2009. Consequently, this Court will extend the stay of this case and all pending motions until the resolution of Plaintiffs' attempt to obtain additional appellate review. Consequently, Plaintiffs' Second Motion for Extension of Time (doc. no. 161) is **MOOT**.

The Parties are directed to schedule a status conference with the Court within 30 days of the Supreme Court's decision.

**IT IS SO ORDERED.**

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**s/Algenon L. Marbley**  
**ALGENON L. MARBLEY**  
**United States District Court Judge**

**DATE: February 11, 2009**